

No. 314, A.]

[Published July 4, 1951.]

CHAPTER 414.

AN ACT to amend 48.01 (1) (c) and (5) (am) of the statutes, relating to who are delinquent children and jurisdiction in cases of delinquent children.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

48.01 (1) (c) and (5) (am) of the statutes are amended to read:

48.01 (1) (c) The words "delinquent child" shall mean any child under the age of 18 years who has violated any law of the state or any county, city, town or village ordinance; or who by reason of being wayward or habitually disobedient, is uncontrolled by his parent, guardian or custodian; or who is habitually truant from school or home; or who habitually so deports himself as to injure or endanger the morals or health of himself or others; or, if below 21 years of age, shall unlawfully and carnally know and abuse any female under the age of 18 years, or assault intending carnal knowledge and abuse, *or violate section 351.34 or section 351.41.*

48.01 (5) (am) If in any of the cases in paragraph (a) of this subsection either the child or the parent, guardian or custodian is at the time of filing of petition present

within some other county, but does not reside therein, the juvenile court of such other county shall have concurrent jurisdiction. In all cases of delinquent children over 16 years of age, the criminal courts shall have concurrent jurisdiction with the juvenile court, and in cases wherein a male minor child between 18 and 21 years of age is charged with having unlawfully and carnally known and abused any female under the age of 18 years or with assault intending carnal knowledge and abuse *and when any offense under sections 351.34 or 351.41 is committed by a male minor child within the age limits provided herein* the criminal court having jurisdiction thereof may, in any proper case where it shall appear that the public interests will be adequately protected and the welfare of such minor will be promoted, waive jurisdiction in favor of the juvenile court which shall then have jurisdiction to determine whether or not such minor is delinquent in the manner as charged and otherwise dispose of such case as provided in section 48.07. Nothing contained herein shall deprive other courts of the right to determine the custody of children upon writs of habeas corpus, or when such custody is incidental to the determination of causes pending in such courts.

Approved June 26, 1951.
